REMARKS

By this Amendment, Applicants amend claims 1-12 and add new claims 13-15.

Therefore, claims 1-15 are all the claims pending in the application.

Preliminary Matters

Applicants thank the Examiner for acknowledging the Applicants' claim of foreign

priority under 35 U.S.C. § 119(a)-(d).

Applicants also thank the Examiner for initialing and returning the Forms PTO/SB/08

submitted with the Information Disclosure Statements filed on December 5, 2005, September 19,

2006 and October 5, 2007. Further, Applicants respectfully request the Examiner to initial and

return the Form PTO/SB/08 submitted with the supplemental Information Disclosure Statement

filed on August 15, 2008 in the next USPTO communication.

Claim Rejections - 35 U.S.C. § 112

**Claims 1 and 2 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly
failing to comply with the enablement requirement.**

Applicants amend claim 1 to recite, *inter alia*, "a disc drive unit," and respectfully submit

that claims 1 and 2 satisfy 35 U.S.C. § 112, first paragraph.

Claim Rejections - 35 U.S.C. § 102

**Claims 1, 2, 6, 9, 10 and 12 are rejected under 35 U.S.C. § 102(b) as allegedly being
anticipated by Ward (US Patent 6,526,411).** Applicants respectfully traverse the rejection.

Claims 1 and 2

In the Office Action, the Examiner asserts that Ward allegedly teaches all the features of

claim 1. Specifically, the Examiner asserts that the user metadata at column 2, lines 19 to 25 of

Ward allegedly teaches the "priorities are assigned to attributes of metadata," as recited in claim

1. *See* Office Action, p. 3.

Ward describes a dynamic playlist as a list of items that can be played in an order that is

determined based on application sorting or ordering algorithms. *See* Ward, col. 2, ll. 19-22. A

user profile may be applied to the sorting process to rank the items based on a user's metadata.

See Ward, col. 2, ll. 22-23. The user's metadata includes usage patterns or user preferences. *See*

Ward, col. 2, ll. 24-25.

However, Ward neither teaches nor suggests "metadata of the audio contents," since

Ward does not disclose metadata of the items in the playlist. Rather, Ward merely describes user

metadata, which reflects user usage patterns and preferences, with no teaching or suggestion of

metadata of the "audio contents."

Further, Ward neither teaches nor suggests "priorities are assigned to attributes of

metadata," as recited in claim 1. Rather, Ward discloses "ranking items," which are items in a

playlist that are played in an order. *See* Ward, col. 2, ll. 19, 23. Indeed, Ward neither teaches

nor suggests "priorities are assigned to attributes of metadata," since Ward does not disclose that

attributes of the metadata are assigned priorities. Instead, Ward merely describes that items in a

playlist are ranked, with no teaching or suggestion that any sort of metadata attribute is assigned

a priority.

The Examiner also asserts that the audio characteristics at column 1, lines 35 to 42 of

Ward allegedly teach that the "priorities are assigned to attributes of metadata…according to

characteristics of the audio contents," as recited in claim 1. *See* Office Action, p. 3. Ward

describes that playlists may be created based on artist, album, or styles of music. *See* Ward, col.

1, ll. 31-33. In more complex playlists, Boolean logic statements are used to build playlists having more than one artist. *See* Ward, col. 1, ll. 37-42.

However, Ward neither teaches nor suggests "priorities are assigned to attributes of metadata...according to characteristics of the audio contents," since Ward does not disclose assigning any sort of priority based on the audio content characteristics. Rather, Ward merely describes building a playlist according to artist, with no teaching or suggestion that any priorities are assigned to metadata attributes according to characteristics of audio contents. Indeed, Ward merely discloses building a playlist by artist, but Ward does not disclose prioritizing attributes of metadata.

Therefore, for at least the above reasons, Ward fails to teach or suggest "wherein priorities are assigned to attributes of metadata of the audio contents according to characteristics of the audio contents," as recited in claim 1.

In the Office Action, the Examiner also asserts that the meta-category at column 1, lines 26 to 45 and column 6, lines 55 to 67 of Ward allegedly teaches "the metadata for a specific audio content are read to extract attributes of the metadata for the specific audio content," as recited in claim 1. *See* Office Action, p. 3.

Ward describes the use of a meta-category to retrieve a list of content items. *See* Ward, col. 2, ll. 26-33. The retrieved content items are added to a playlist and a next meta-category is selected. *See* Ward, col. 2, ll. 33-37. Content items are retrieved based on the next meta-category and are also added to the playlist. *See* Ward, col. 2, ll. 37-40, col. 6, ll. 64-67. After the playlist is created, the items in the playlist are ranked. *See* Ward, col. 6, l. 67 - col. 7, l. 2.

However, Ward neither teaches nor suggests "the metadata for a specific audio content are read to extract attributes of the metadata for the specific audio content," since Ward does not disclose that any metadata of a specific audio content are read. Rather, Ward describes transmitting a meta-category to providers to retrieve a list of matching content items, with no teaching or suggestion that metadata are read to extract attributes of the metadata. Instead, the meta-category of Ward is merely used to generate category matches, but Ward does not disclose that metadata are read to extract attributes of the metadata.

Therefore, Ward also fails to teach or suggest "the metadata for a specific audio content are read to extract attributes of the metadata for the specific audio content."

Last, in the Office Action the Examiner asserts that column 6, lines 55 to 67 of Ward allegedly teaches "the priorities for the read metadata are then set according to the corresponding assigned priorities," as recited in claim 1. *See* Office Action, p. 3.

However, Ward neither teaches nor suggests "the priorities for the read metadata are then set according to the corresponding assigned priorities," since Ward does not disclose setting priorities of metadata, and much less that priorities are set according to corresponding assigned priorities. Rather, Ward describes applying ranking or culling algorithms to the results of the content provider queries, which are content items matching the query. Indeed, Ward does not describe ranking metadata, but instead Ward describes ranking the content items themselves by keeping only the N most popular result items. *See* Ward, col. 6, ll. 61-64.

Therefore, Ward fails to teach or suggest "the priorities for the read metadata are then set according to the corresponding assigned priorities."

As a result, for at least the above reasons, Ward fails to teach or suggest all the features of claim 1, and hence claim 1 and its dependent claims would not have been anticipated by Ward.

Claims 6, 9, 10, and 12

Claims 6 and 10 recite features similar to those discussed above, and hence claims 6, 10, and their dependent claims would not have been anticipated by Ward for at least analogous reasons.

Claim Rejections - 35 U.S.C. § 103

Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ward as applied to claims 1, 2 and 6. Applicants respectfully traverse the rejection.

Claim 7 depends on claim 6 and incorporates all the features of claim 6. Even if Ward could have somehow been modified, as the Examiner asserts in the Office Action, the modified Ward would still not contain all the features of claim 6, and hence claim 7, as discussed above. Accordingly, claim 7 would not have been rendered unpatentable by the modified Ward.

Claims 3, 4 and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ward as applied to claims 1, 2, 6, 9, 10 and 12, and further in view of Tsuk et al. (US Patent 7,312,785, hereinafter "Tsuk"). Applicants respectfully traverse the rejection.

Claims 3 and 4, and 11 depend on claims 1 and 10, respectively, and incorporate all the features of claims 1 and 10. Even if Ward could have somehow been modified based on Tsuk, as the Examiner asserts in the Office Action, the combination would still not contain all the features of claims 1 and 10, and hence claims 3, 4, and 11, as discussed above. Accordingly, claims 3, 4, and 11 would not have been rendered unpatentable by the combination of Ward and Tsuk.

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Claims 5 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ward as applied to claims 1, 2 and 6, and further in view of Tojo et al. (WO 02/098130, hereinafter "Tojo"). Applicants respectfully traverse the rejection.

Claims 5 and 8 depend on claims 1 and 6, respectively, and incorporate all the features of claims 1 and 6. Even if Ward could have somehow been modified based on Tojo, as the Examiner asserts in the Office Action, the combination would still not contain all the features of claims 1 and 6, and hence claims 5 and 8, as discussed above. Accordingly, the combination of Ward and Tojo would not have rendered claims 5 and 8 unpatentable.
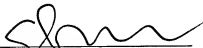
New Claims

As discussed above, Applicants add new claims 13-15. Applicants respectfully submit that claims 13-15 should be deemed patentable at least by virtue of their dependency. Applicants also respectfully submit that the references cited by the Examiner fail to teach or suggest all the features of claims 13-15.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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